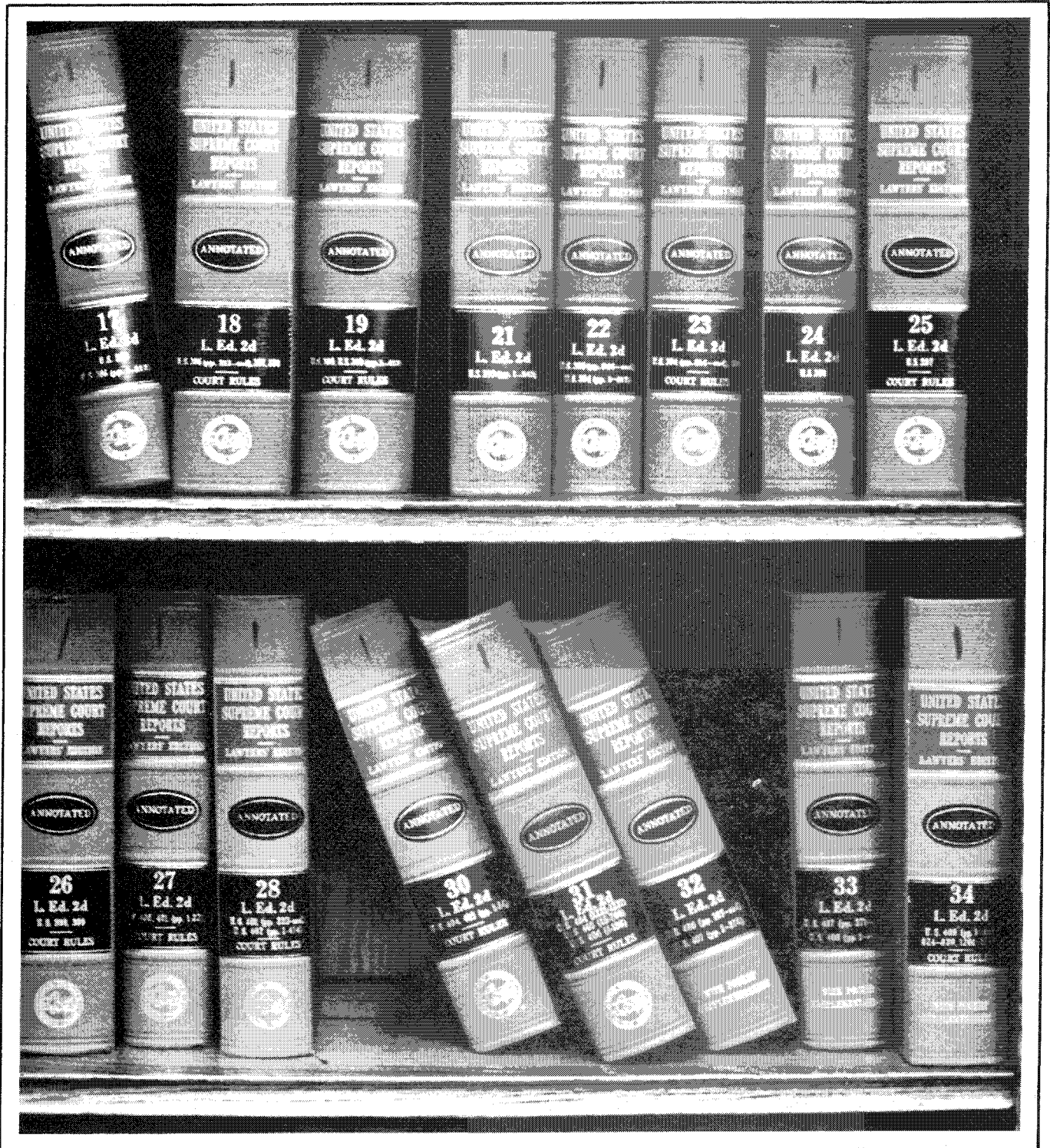


# The Gargoyle

Alumni Bulletin of the University of Wisconsin Law School

Vol. 7 No. 3

Spring 1976



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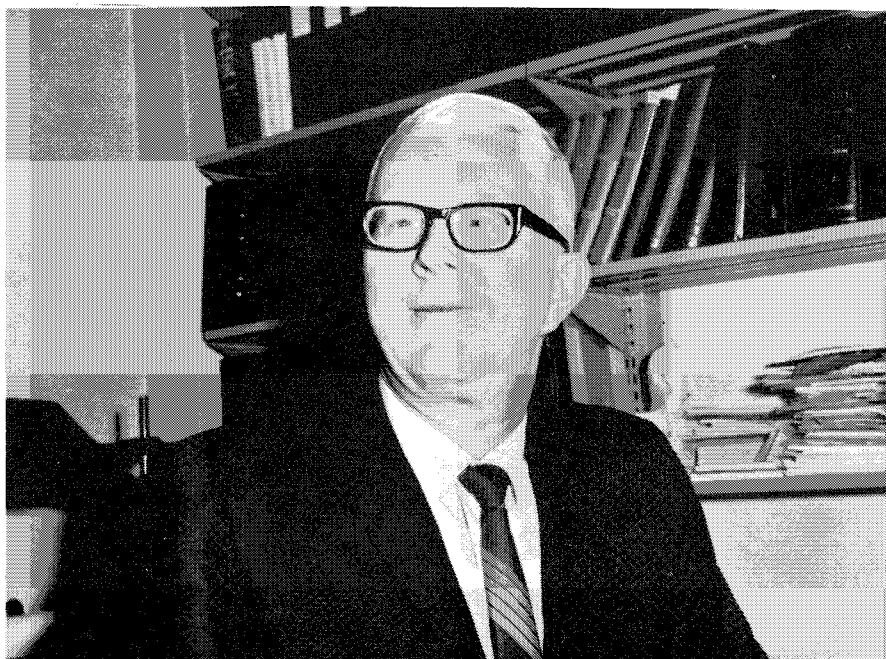
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## A FEW WORDS ABOUT LAW SCHOOL ADMISSIONS

**Orrin L. Helstad, Acting Dean**



In my recent contacts with the judiciary and the practicing bar, a topic of discussion which comes up about as often as any is the matter of law school admissions. The concern often is a personal one because a son or daughter, or the son or daughter of a friend, is about to seek admission. But the subject is quite a legitimate one from the standpoint of a broader perspective as well, for law school admissions committees have quite accurately been called, in recent years, the gatekeepers to the profession.

The admissions pressures of recent years are generally well known. During the past five years, we have averaged between 1800 and 1900 applicants each year for an entering class which has averaged about 300 each year over that same period. Roughly half of the applicants each year are residents of Wisconsin. The same pattern seems to be holding for the present admissions season.

The applicants' prospects are not quite as grim as these statistics indicate, for a substantial number of persons who are offered admission choose not to come. Whether for financial or other reasons, an accepted applicant may decide not to attend law school or may decide to attend some other law school. Our experience indicates that we are able to offer acceptance to roughly one of every three residents who apply and to roughly one of every five non-residents. Nevertheless, the fact remains that we deny admission to nearly a thousand qualified applicants each year. Respected and competent members of the bar often say to me: "I wouldn't even have gotten into law school today." Whether or not that statement is true in a given case, it is true that many persons who would have made competent lawyers are not being given a chance. The responsibility placed upon law school admissions committees clearly is an awesome one.

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**Ruth B. Doyle, editor**

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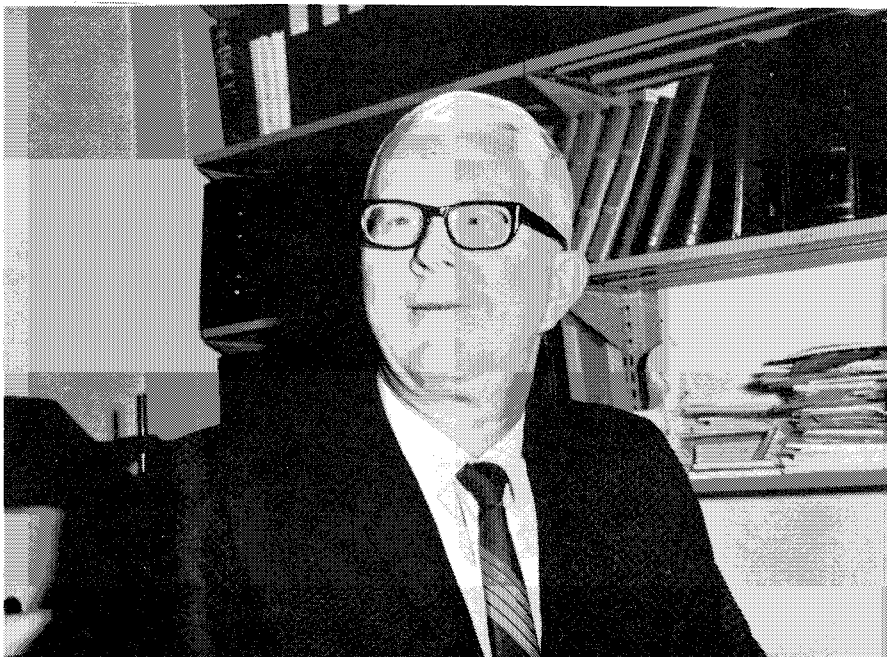
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Why this increased demand for legal education? We do not have all the answers, but some factors are known. One, until very recently, was the increasing population in the typical applicant age group. Another is the broad range of job opportunities for law graduates. The job market has remained reasonably good, at least in comparison with the opportunities in many other fields. We have also witnessed in recent years an awakening social consciousness on the part of young people, and many perceive the legal profession as best equipping them to dedicate themselves to the public good. Another factor is the increasing number of older applicants who, five to thirty years after college, become interested in law as a career. Clearly another reason is the awakening interest in legal education on the part of women. Women now constitute approximately 29% of the enrollment at the University of Wisconsin Law School (255 out of 878 in a count taken last fall) as compared with just a handful a decade ago.

In view of the importance of the admissions decision, we have given much attention in recent years to the standards and procedures under which we operate. Before I turn to standards and procedures, however, I should say a word about our resident-non-resident quota system and about our minority group admissions program because these are important nonacademic determinants in the composition of an entering class.

For the past several years we have been restricting our nonresident admissions to 20% of the entering class. This was a limited response to the great demand for admission; previously, most entering classes were 30-35 percent non-resident. I know that there is concern about admitting any non-residents as long as we have to exclude so many qualified Wisconsin residents each year (perhaps 400 to 500 each year). The reasons for our nonresident admissions policy were cogently stated by former Dean Spencer Kimball, in an issue of the *Gargoyle* a few years ago (Spring 1970), and I

will take the liberty of quoting from his remarks:

"There is a nearly unanimous view in law schools of high standing that the quality of a law school will deteriorate if it becomes a 'local' school. This does not reflect on the quality of Wisconsin's students—they are as good as the best. The reasons for maintaining a substantial component of the student body are various and largely intangible. It is thought valuable to students though less important than in the days when few people traveled, for the students with whom one associates to be more diverse than a local school can provide. For teaching it is useful to have in a class a variety of backgrounds to provide diversity of experience and view. Many nonresidents stay in the state and add strength to it, just as many residents leave to take their places on other stages—this is an important state in the Union and not a backwater, so the flow of talented people both in and out is substantial and should not be limited by too parochial an attitude. But the most important reason for believing that a substantial non-resident mix is necessary is that the people now in legal education are convinced it is. Whether the judgment is right or wrong it exists and is strongly felt. The relatively cosmopolitan school, therefore, has a great advantage over the local school in faculty recruiting. We have competed successfully in a strong league for faculty talent. We have not succeeded on the basis of dollars, for our salary structure is not as good as in comparable schools. It is even lower than in many schools which do not approach our quality. Many of our prospective teachers, who characteristically have several offers when they accept ours, would not give us a second thought if we had a local law school. And that is crucial. The keys to the quality of a school are the

quality of its faculty and of its students. If we were to risk serious prejudice to the quality of the Wisconsin Law School it would be no kindness to Wisconsin residents. They might get in but would get an inferior education."

Since 1968 the University of Wisconsin Law School, along with most other law schools in the United States, has had a special program with regard to admission of qualified applicants who have disadvantaged backgrounds, particularly members of certain minority groups. Black Americans, American Indians, Puerto Ricans and persons of Mexican-American background are presumptively considered to qualify for the program. Other persons of disadvantaged background occasionally are admitted through the program.

The program involves special recruitment efforts and special financial support. During the past five years, an average of 17 students has been admitted through this program each year, in other words, 5 to 6 percent of the entering class. It is fair to say that the persons admitted through this program are not required to meet the same admissions standards which competition has forced upon other admittees in recent years. The question asked with respect to applicants who qualify for the minority group program is whether they are sufficiently well qualified from an academic standpoint so that there is a reasonable probability (significantly better than a 50-50 chance) that they will do satisfactory work in law school if admitted. This is the same standard which we used to apply to all applicants for admission until the intense competition of recent years forced us to raise the standards.

A discussion of the details of the minority group program and its rationale probably is better left to another time. The idea of the program of course is to bring into the profession representatives of groups which for various reasons have been grossly underrepresented in the past. The program has been reasonably successful in achieving this goal.

In summary, the entering class consists of 80% Wisconsin residents and 20% nonresidents. The 5 to 6% which constitute minority group admittees are divided between residents and nonresidents.

In view of the importance of the admissions decision, we have made great efforts in recent years to assure that both the standards we apply and the procedures used in applying the standards are fair. The standards are published in full in our Law School Bulletin. The starting point is an index figure which we refer to as the FYP (first year predictor) and which is derived from a mathematical formula which combines the applicant's undergraduate gradepoint average and Law School Admission Test (LSAT) score in a manner which is supposed to be optimally predictive of the applicant's probable average in his first year in law school. As most of you know, the Law School Admission Test is a standardized test administered throughout the country.

The FYP formula is statistically updated each year by comparing the college grades and LSAT scores of the members of the entering class with the first year law school grade averages actually achieved. Beyond the FYP, we try to take a number of more sub-

jective factors into account such as the trend of college grades, letters of recommendation, the time interval between college graduation and application to law school, the general quality of the undergraduate college, the college grading and course selection patterns and the extent of outside work while in college.

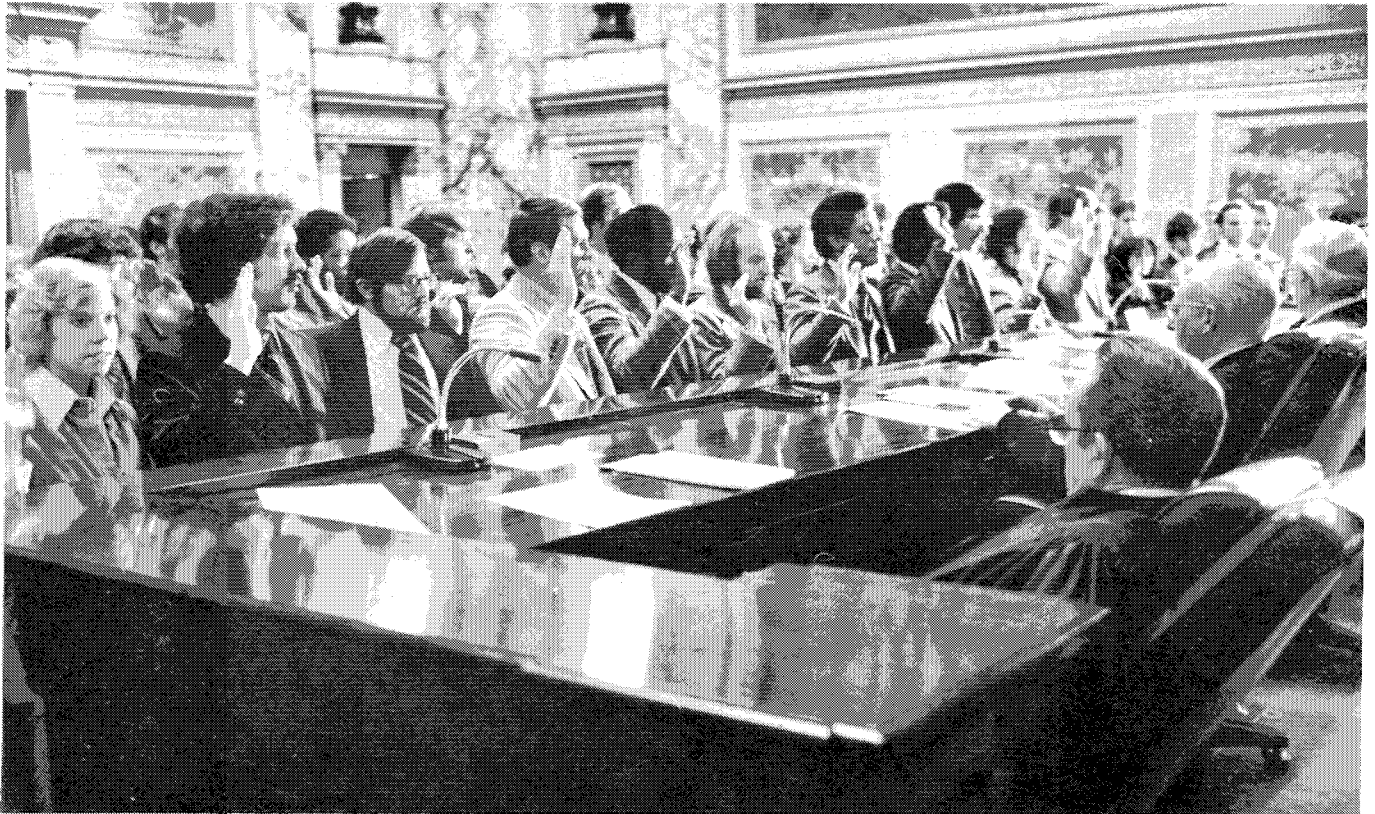
I know that many of you are asked by applicants to write letters of recommendation. We find these to be a useful part of an applicant's file, particularly if the letter speaks to the applicant's ability rather than merely to his family background. Since we are a publicly-supported law school, we of course cannot give any preference to sons and daughters of alumni or to other friends or influential persons. There are no "dean's wild cards" in our admissions process. In fact, the Dean of the Law School does not participate in the admissions process except in the sense that he appoints the members of the Admissions Committee.

In order to keep this piece from becoming unduly lengthy, I will say just a few words about our admissions procedure. We have tried hard to balance fairness and thoroughness with the efficiency which also must be a consideration when over 1800 applications must be reviewed within a few months each year. Because of the large number of applications which must be processed, an early deadline (February 15) for submitting applications has been established and is adhered to strictly. The first review of the applications results in some applicants being accepted, a few being rejected, and the others placed in a "hold" category. A subsequent review of the application files placed in the hold category results in some addition-

al acceptances and some additional rejections, with the remaining applicants being invited to accept a place on a waiting list. Waiting lists are necessary in order to prevent the class from being oversubscribed while at the same time assuring that it will be filled to capacity. Thus, some persons who are on the waiting list may be accepted as late as the first day of classes. All the decisions are made by the three faculty members of the Admissions Committee, and, except in cases of clearly inadequate basic academic qualifications, an applicant's file will be reviewed by at least a majority of the members of the Committee before the applicant is rejected.

Walter Raushenbush has served as chairman of our Admissions Committee for many years (with the exception of 1975 when he was on leave) and deserves much credit for efficiently and fairly carrying this heavy and important administrative burden. He has received national recognition as an expert in the field of law school admissions. The other faculty members of the Admissions Committee this year are Professors Richard Bilder and William Clune. Two students also serve on the Committee but only for the purpose of participating in policy decisions.

I started by saying that law school admissions decisions are an awesome responsibility these days. We know we are excluding hundreds of persons who would make good lawyers and we will occasionally make a mistake and admit someone who will not make a good lawyer. Nevertheless, I am heartened by the fact that I frequently hear my lawyer-friends these days marvel at the general legal ability of our graduates with whom they have had occasion to become acquainted. We must be doing something right.



## NEW LAWYERS AT MIDYEAR

Fifty-six of the 66 December graduates of the Law School were admitted to the State Bar of Wisconsin and to practice in the Federal District Court for the Western District of Wisconsin in ceremonies at the Supreme Court and at the

Federal District Court on January 20, 1976.

For many a young lawyer, the ceremonious admission to the Bar is a more exciting event than the Commencement exercises, since it

symbolizes the start of a bright new career, not simply graduation from Law School. Family and friends of the graduates gather, and all are entertained at a reception at which the State Bar of Wisconsin is host.

*SEE p. 18*

## **SPRING PROGRAM   APRIL 24, 1976**

### **WATCH YOUR MAIL FOR ANNOUNCEMENT**

The Annual Law School Spring Program, scheduled for **Saturday, April 24**, will include several changes designed to encourage more students and alumni to attend.

Most activities will begin no earlier than Saturday afternoon. The usual noon luncheon will be replaced by appropriate meetings, award presentations and reunions later in the day.

Second, the dinner and dance will be held at the Memorial Union rather than off campus. We have reserved both Great Hall and Tripp Commons for the evening. We also plan to use a third smaller room for a quiet piano bar.

Third, the annual meeting of WLAA will be held in the afternoon; the annual alumni-faculty awards and the Dean's report will be included. Prizes will be awarded to students at a convocation in the auditorium of the State Historical Society building.

The Moot Court arguments before the Wisconsin Supreme Court and the WLAA Directors meeting, will be held in the morning as in past years.

It is hoped that these changes will make it easier for more alumni and students to come for the entire program. A detailed announcement will be mailed.

### **WLAA FUND DRIVE—ONLY PRELIMINARY RESULTS**

As it was last year, WLAA's annual fund drive will continue until April 1 this year, when a complete report will be prepared. What follows is a brief summary of the progress of the drive as of February 1, 1976.

Alumni contributions from April 1, 1975, to January 31, 1976, totalled \$46,333.22. This compares with \$46,886.15 for the entire fund drive last year.

There have been 587 alumni contributors to the fund so far this year, compared with 543 by the end of last year's fund drive.

Contributions from non-alumni, who are usually the spouses, parents, children, friends of alumni, or gifts from foundations or other organizations are listed separately. On Jan. 31, 1976, the amount of such gifts was \$20,977.05.

The fund drive included a telephone campaign conducted in Madison beginning in early February to reach those around the country who have not yet contributed. Follow-up of contacts by mail will continue until April 1.

## SECOND SEMESTER OFFERS EXPANDED CURRICULUM

Last winter's financial crunch at the Law School has had some consequences that could not have been predicted. During the winter and spring of 1975, it appeared that little, if any, relief would be available to meet the crisis. Help, in the form of additional appropriations, came during the summer—too late to permit planning for full utilization in the first semester.

Anticipating a year in which there might very well be insufficient funds to pay the salaries of the entire full-time faculty, a number of professors sought leave to teach elsewhere, or to do research on funds granted to other departments of the University. (See, *Gargoyle*, Autumn, 1975) When additional funds became available, it was too late to seek visiting faculty and part-time lecturers for the first semester.

Also, the Faculty and students all value highly the small section plan used in the first semester of the first year. Each entering student has one course offered in a section of 15 to 20 students, taught by a senior faculty member.

The combination of short staff and the time demands made upon remaining faculty to teach small sections resulted in curtailment of offerings to second and third year students during the first semester.

But the second semester is a different story. In addition to 18 sections of Legal Writing for first year students, there are 72 courses being offered, compared to 48 in the first semester. Nine of these are multi-sectioned. They include 19 seminars, covering a wide variety of subjects, and permitting opportunities for intensive study of subjects of special interest. Seminars include selected problems in Criminal Justice Administration, Trade Regulation, Tort Law and Legislation. Trial Court, Trial Advocacy and the General Practice course are all being offered. Basic Administrative Law is being offered in a 5-week course, followed by 5 "modules" dealing with particular aspects: communications, regulation of industry, welfare policy, unfair trade practices, and development and control of natural resources.

Students are permitted to elect 3 seminars, without dean's permission, and are permitted a maximum of 18 credits. All this is possible because of the twenty-three lecturers who have been added to the faculty on a part-time, one-semester basis.

The lecturers include Richard L. Cates, Steven J. Caulum, William A. Chatterton, James R. Cole, Gerald T. Conklin, Paul C. Gartzke, Bruce Gillman, Justice Nathan S. Heffernan, Robert J. Martineau, Richard W. McCoy, John Niemisto, James A. Olson, Robert R. Pekowsky, Richard W. Pitzner, Frank A. Ross, Jr., Warren H. Stolper, and Michael W. Wilcox all of Madison; William M. Coffey, Francis R. Croak, Robert L. Habush and James M. Shellow of Milwaukee; Clyde C. Cross of Baraboo and J. Richard Long of Beloit.

\* \* \*



**ORRIN EVANS (CLASS OF 1937) HONORED BY  
SOUTHERN CALIFORNIA LAW REVIEW**

The Southern California Law Review of November, 1975 (volume 49, no. 1) has been dedicated to the former dean at Southern California, Orrin Bryan Evans. Professor Evans is a member of the class of 1937 at the University of Wisconsin Law School.

Professor Evans has been at Southern California since 1947. His early teaching experiences were at the Universities of Idaho and Missouri. At present he is

Bruce Professor and Dean Emeritus. California Supreme Court Justice Robert Kingsley, a former dean and long-time colleague, and the present Dean Dorothy Nelson, are authors of the tributes to Professor Evans. Justice Kingsley wrote, "As a professional colleague, Orrin was a delight, never complaining, always doing more than his full stint both in the classroom and in faculty deliberations and committee work."

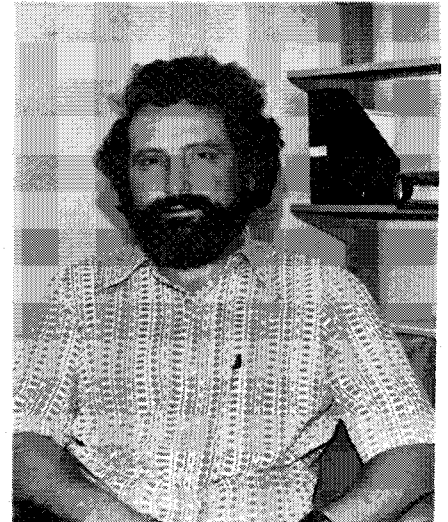
Dean Nelson described in detail his services to the law school, labelling him "The most honorable man I know."

Professor Evans was born in Baraboo. His father, Judge Evan A. Evans was the chief judge of the United States Circuit Court of Appeals for the seventh circuit for many years. There is a bust of Judge Evans in the old reading room of the Law School Library.

**THE INSTITUTE FOR RESEARCH**

**ON POVERTY AND THE LAW SCHOOL—**

**A CONTINUING RELATIONSHIP**



**Professor Handler**

From the time it was established in 1966, the Institute for Research on Poverty has had members of the Law faculty among its participants.

The Institute was designed as the research arm of the Office of Economic Opportunity, with funds provided by the Economic Opportunity Act of 1967—a major component of the War on Poverty, during the administration of President Lyndon B. Johnson.

Separate projects have involved consumer protection, equal access to education, crime and violence among the poor, problems of lawlessness in welfare administration, and the uses of law by social reform groups.

Recently, a major study of the careers of lawyers doing legal rights work has been completed by *Professor Joel F. Handler* of the law faculty, with Ellen Jane Hollingsworth of the Poverty Institute, and Howard S. Erlanger, Department of Sociology. Using survey data collected from a very large number of lawyers with current or past work experience in poverty and public interest law, the investigators have been able to specify the characteristics of lawyers choosing such work, the nature of the work done and the reactions of lawyers to such jobs, and, finally, the types of work later selected by lawyers who have had legal rights experiences. Since data from a large random sample of the bar (1450 lawyers) was also collected, it is possible to contrast career paths for those who have and have not had professional experience in poverty or public interest law, controlling for

age and numerous background variables. The monograph reporting these results will be available in 1976. A second study, concerned with status and mobility in the American legal profession, using data from the random bar sample, will be carried out next by the same authors.

Professor Handler and his colleagues have received a substantial grant from the National Science Foundation for a further study of the legal profession: 1) patterns of recruitment; 2) models of career development; 3) patterns of stratification within the bar.

During recent years, in addition to Professor Handler, Professors William Clune, Neil Komesar, William Whitford, and James Jones have been part of the scholarly community at the Institute.

\* \* \*

## ROMANZO AND THE PETTIFOGGERS

### RECOLLECTIONS OF AN OLD-TIME LAWYER

The Wisconsin Bar Association convention in 1905 held a gala and "sumptuous" dinner (in the words of one of the speakers) to honor *Romanzo Bunn* on his retirement as Judge of the Federal District Court for the Western District of Wisconsin. There were many toasts and speeches, jokes and serious talk about the law and the judges.

Appointed by President Hayes, Judge Bunn had been on the federal bench for 28 years. He was seventy-six years old at the time of his retirement. He had lectured for seven years at the Law School during his time in Madison. Judge Bunn came to Western Wisconsin from Ohio and New York. He served as District Attorney of Monroe and Trempealeau Counties and as Circuit Court judge before his appointment to the Federal bench.

He is the great grandfather of Professor George Bunn, and the grandfather of the late Professor Charles (Bob) Bunn.

What follows is a portion of his own speech at the retirement dinner, published here because it tells so much about practicing law in the old days.

The *Gargoyle* is indebted to Philip Haberman, formerly Executive Director of the State Bar of Wisconsin, for providing the copy of the proceedings of the 1905 Bar convention.

\* \* \*

### JUDGE BUNN SPEAKS

I have since my retirement, dwelt a good deal upon the difference between the way young men come to the bar now, and the way they did when I began practice, fifty-two years ago. A young man now is sent by his father through a four years' course in the University and then a three years' course in the Law School. In my day we had to chop wood, clear land, peel Hemlock bark, work in harvest, teach school, anything to get a little money. I have always suspected that I may have split as many rails as Abraham Lincoln, but I never got any such credit for it. I got my fifty cents a hundred for splitting elm rails, twenty-five cents a cord for chopping beech and maple wood, fifty cents an acre for cradling wheat and twelve dollars a month for teaching school, "boarding around" at that. But that is all the credit I ever got. I had studied law four or five years in New York, supporting myself in these ways and then had practiced for a year with the gentleman under whom I had studied. Then I married and drifted out west. I had no particular object or thing in view, except to get away from everybody and get where there was no law business to be done, and grow up with the country. I came first to La Crosse in October, 1854. I have no doubt now there was an opening there for a lawyer. Dennison and Lyndes were there, and Edwin Flint, and Alonzo Johnson, one of the most accomplished lawyers I ever knew. The Cameron clan had not come yet from Scotland and Buffalo. Angus came three years later in 1857, and Judge Hugh a year later, in 1858. But I had not the courage to stop at

La Crosse, so drifted up to Sparta where there was no business, and in February drifted to Trempealeau County where there was also no business. That winter I chopped and banked wood on the Mississippi River for the steamboats, and in the spring took a farm on shares on Decorah's Prairie in the town of Gale. The first bit of law business that I did was in June, 1855. I was in my field one day in June, 1855, at work hoeing corn, when a Scotchman came towards me, who was in great tribulation. His name was William Collins. I asked him what the trouble was and he said that he had heard that I was a lawyer. I had a few law books and had provided myself with a copy of the old revised statutes of 1849, and I asked him what the trouble was, and he said he was a justice of the peace, and he was in great perplexity over a case that he had before him. He said that the statute required, if the parties did not appear at the time of the return of the summons, that the justice should "write" one hour for the appearance of the parties. I asked him if he was sure he had read the statute right, and he said yes, he knew what the statute said, but he did not know what to "write." (Laughter.) I told him to come into the house and I would look up the statute and I showed him that it was "wait" one hour for the appearance of the parties instead of "write." Well, his face beamed, I never saw so satisfied a man in my life. He offered to lend me his drag, plow, and all his farming utensils, his horse and cart, and to let me milk his cows if I would. (Laughter.)

Well, a few years after that I was nominated for member of the assembly. I did not want that nomination, but I was put on the ticket in spite of myself. It was in the days when squatter sovereignty was being argued by Lincoln and Douglass down in Illinois,

and when there was great excitement over the question of the extension of slavery in Kansas and Nebraska. Mr. A. A. Arnold was nominated by the democrats and I on the republican side, and we arranged for a debate among the Scotch on Decorah Prairie, where I had lived, and we were to discuss squatter sovereignty after the manner of Lincoln and Douglass; and we did discuss it almost all one night, and when the election came around it was ascertained that I had carried every Scotch vote on the Prairie—they were some forty in number. I had not the least idea that it was on account of any possible advantage that I had over Mr. Arnold in the argument. I did not think I had any because he was quite as able as I was: but I knew what it was, I had given that important counsel to which I referred, to their Scottish chief on the grave question of the construction of the statute (great laughter) whether to "wait" or "write" one hour for the appearance of the parties. (Great laughter.) I did not suppose the Scotchmen cared a straw about squatter sovereignty, or slavery, so long as it was as far away as Kansas and Nebraska, but they did care about the counsel that had been given to their Scottish chief and justice of the peace. (Laughter.)

Well, that gave me a start. I did business for the Scotch, drew papers, wills and one thing and another for them and was on friendly terms with them. I do not think I charged them anything for it, because we were all friends and neighbors, but it gave me quite a reputation among the Scotch.

Next winter I moved up to Beaver Creek, four miles away, to live on a claim I had made, and built a house in one day, buying the logs already cut and in a shanty on another claim, and I moved into the dwelling with my family, a wife and one child, that same night. That winter I had a call from a gentleman down in the opening between there and Trempealeau. He had been sued by B. B. Healey who became very rich afterward and was one of the foremost men in property that there was in Trempealeau County at that time. He died a year or two ago at Seattle, quite wealthy. He had sued Mr. Rufus Comstock, a poor man, a carpenter and joiner, on a contract for the building of a house, and he came up there ten or twelve miles, through deep snows, in the winter of 1855-6. There was no lawyer in the county except me. Judge Newman did not come till three or four years after that, in 1858; but there was a notorious pettifogger at Trempealeau by the name of George Bachelor, and he had brought suit for Healey against Comstock, who had taken a contract to build Healey's house, and he wanted me to go down and defend. I went down and stayed overnight with him, looked the matter over, and I found that he had a counterclaim of \$75, which was perfectly good, and mainly undisputed, except that the main proposition was whether he had fulfilled his contract in building the house or not. Healey claimed several hundred dollars damages, because Comstock had not fulfilled his contract. Well, we went into the trial of the case before the justice of the peace one night, tried it most all night, and I introduced evidence of the counterclaim, and what evidence I could on the question of fulfilling the contract, and incidentally I proved that in a



Romanzo Bunn

conversation between Healey the plaintiff and the defendant, my client, Healey had said that Comstock better settle the matter up, for if he had to go to law he would find that it was money made the mare go. He was rich and Comstock was poor—I got that before the jury. (Laughter.) Of course it would not have been lawful evidence to introduce directly on the merits, but it came in incidentally as part of the conversation. Of course if you introduce part of a conversation you must take the whole. (Great laughter.) I proved that he said it was money made the mare go, and we argued the case before the jury, they went out, and in a little while they came back with a verdict of \$75 for the defendant. (Laughter.) Well, to my surprise, I had knocked out their big pettifogger the first stroke.

He kept trying cases there for a little while until Judge Newman came when they could have a lawyer on both sides, and in a year or so we knocked out the whole line of pettifoggers from Trempea-

leau to Galesville. But a curious thing happened that night which I shall always remember, and that was, that after the verdict had come in, Healey called me out to one side; I wondered at it because he was a business man—and he said he was going to appeal the case and wanted to know if I would take hold of it for him. (Great laughter and applause.) "Why" I said, "I guess not, Mr. Comstock will want me unless he deserts me." "Well," he said, "suppose Comstock don't want you?" I said, "It would be contrary to the rules of the game for me to take up the case for you now and try to get a judgment reversed which I got against you." Then he said he would have to go to La Crosse to get a lawyer; for Bachelor had never been admitted to practice. I said, "I cannot help it." He went to La Crosse, got an attorney, appealed the case, and it came up before Judge Hiram

Knowlton, a brother of James Knowlton of Chicago. When I got ready for trial I had Comstock up there and all the witnesses and was ready to get the evidence in to the effect that Healey said, it was money made the mare go (laughter), and I got all ready for the trial, and Healey for some reason got sick of the case and paid up the judgment and all the costs. That gave me a great send-off there in Trempealeau County, got me a reputation that I could hardly maintain and after that I had all the justice court practice I wanted. (Laughter.) After that I did business for Mr. Healey and he was always a good friend to the day of his death. In the summer of 1856 I bought a ten acre farm at Galesville where I lived the next six years and borrowed money of Healey to buy the lumber to build a house. From a kindly feeling toward me he let me have it at reduced rates, that is to say, forty per cent per annum when the going rate was 5 per cent a month.

I have wondered a great many times what has become in these modern days, of all the horse lawsuits. (Laughter.) In Cataaugus County, when I was studying law I tried as many as twelve horse lawsuits, getting my legal ammunition from Cowan's Treatise—we never consulted any other authority. I went right in with the pettifoggers before I was admitted to the bar, and tried horse lawsuits with the best of them.

In Trempealeau County in the spring of 1857 I had a horse lawsuit that I always thought was entitled to be put down among the causes celebres of this part of the country. A certain Mr. Nichols had sued a neighbor of ours by the name of John Hess (not John

Huss—that was a religious reformer and martyr of the 14th century, but plain German John C. Hess of Trempealeau) for breach of warranty in the sale of a horse, and employed Dennison & Lyndes of La Crosse, leading attorneys there, to prosecute; while John Hess employed me to defend. First Lyndes came up and tried the case and I tried it for my client and the jury disagreed after a four or five day trial; we had to have another trial. Next time Dennison the other partner came up. He was a very aggressive man. He was all right if you kept him on an intellectual basis—he was not so hard to match there—but on a physical basis (laughter) a basis of anger and expression, he was very formidable and reminded one of Milton's under-fiend, who was "Fierce as ten furies, terrible as Hell," and I was a little afraid of him. So I kept him on an intellectual basis all that I could (laughter), but the jury disagreed again and we had to set another time for the trial. Next time Mr. Lyndes the other partner came up. Lyndes was a mild mannered man, a very gentleman-like man as you would see in a summer's day. He was not aggressive. We tried it the third time and the jury disagreed again, and we had to have a fourth trial, and the next time Dennison came up and he was just as aggressive and a little worse than ever. My principal witness was the father-in-law of my client, John Hess. His name was Torpena; and Dennison on the fourth trial objected to his being sworn at all as a witness, on the ground of interest. The law was such at that time that a man who had a 6¼ cents interest in the result of a trial could not be sworn as a witness, because the law supposed he would not tell the truth. He objected to my principal witness being sworn, on the ground of interest. Well, that of course was

a question that must be tried as a preliminary question before the judge. If we could have submitted it to the jury I think I could have won on it, but we could not submit it to the jury; so we introduced evidence before the justice, and Dennison being very aggressive and overbearing, he bore the justice down on it. The evidence was that Torpena, besides being the father-in-law of my client, lived in the same log house; the old gentleman and his wife lived in the main part of the house alone, and my client and his wife and the chickens and the pigs lived in the log lean-to adjoining. (Laughter.) I argued that that did not constitute interest, but Dennison was so aggressive and overbearing that the justice had to decide against me and rule out my testimony, and I was left naked and alone, and as I could not argue the case without testimony they took a big verdict against me. Judge Gale was on the bench. I practiced six years before him and I thought him a very good judge. He was a good friend of mine and did a good deal to help me along at the bar, and I always felt under obligation to him. He had one amiable weakness, and that was that he did not like to decide against his friends. (Laughter.) I do not doubt he would if he found it necessary, but he did not find it necessary. I could get a judgment by default on a plain note of hand where no defense was put in against defaulting creditors who were his friends, but if I tried to maintain attachment, that one eye of his would look down upon me from the top of the bench with such a look of pity mingled with slight indignation and remonstrance that I was fain to desist. But if his eye was single he had the promised scriptural compensation that his whole body was full of light. He was a good man and a good Judge and

at the end of his term I supported him very cordially for re-election against Edwin Flint in the judicial campaign of 1862, when Judge Flint was elected. For once the bar made a mistake. He died in April, 1868, a few days after the election when I ran for judge against his competitor of six years before, and I have always had the satisfaction of knowing that he heartily approved of my candidacy. Well, John Hess was a friend of his and used to work for him, and I was a friend of his (laughter) and when I got up there I thought we would have at least an equal show with Dennison with all his aggressive qualities. We took the case up there. I made objection in the court below to the plaintiff's evidence of the contract on the ground that the whole contract for the sale of the horse was made on Sunday and the delivery made on Sunday, and I thought the point was good. When we got up there we argued those two points before Judge Gale, this one and the ruling out of our evidence, and he decided them both in my favor and reversed the case, and that after four trials and much litigation. (Laughter and applause.)

That was in 1857. William Dennison the next year was so aggressive that he went down into Coon Valley a little below La Crosse, and insisted upon fishing upon a Dutchman's land down there that did not belong to him. It was in the month of June that he insisted upon fishing upon his land for trout, against the Dutchman's will, and the Dutchman clove him down from head to foot with a battle axe, just as they used to in the time of the Trojan wars. Though they more commonly pierced them through the helmet with a spear, but he used a battle axe and Alonzo Johnson at La Crosse prosecuted him for murder, and finally got him convicted, though he died soon after from a cold taken during the trial.

*cont. on next page*

ROMANZO cont'd.

That victory gave me a great start up there. I did all the business that came along after that. I practiced six years before Judge Gale and six years before Judge Flint, and a short time before Judge Knowlton.

My experience with the Scotchmen on the prairie had given me such a standing that I was appointed district attorney of the county with a salary of \$100 a year. That was a great promotion; the first case I ever had in the circuit court there was before Judge Wiram Knowlton. What they called him Wiram for I never knew, unless that was his name. I did not know anything about him, whether he knew anything about law or not, but there was a gentleman in Trempealeau that had fallen into a little trouble with a servant girl in the family (laughter), and the ladies did not like it very much; they did not take kindly to it, especially the married ladies. It made a little scandal in the neighborhood and they rather insisted on my having him indicted for adultery. I looked the matter up and it seemed that at common law it was very doubtful whether adultery was any offense at all—that is criminal offense, but under the statute it was made an offense punishable by law, being adultery on the part of a married man and fornication or some lesser offense on the part of the unmarried female, if she happened to be summoned. I drew an indictment in

*cont. on p. 18*

## THE SEARCH FOR A DEAN

There are eight serious candidates for Dean of the Law School, a position which has been vacant since the spring of 1975, according to Professor Stuart Gullickson, chairperson of the search committee. Half of them are from outside the Law School and the other half are members of the present Faculty.

The search and screen committee will now arrange for the visits and interviews of the candidates for Dean. "The searching phase of its work is now complete. The screening and evaluation phase will be undertaken next," Gullickson said.

The Committee expects to recommend at least five names to the Chancellor, who, with the agreement of President Weaver, will present one recommendation to the University Regents who make the final selection.

In addition to Chairman Gullickson, members of the Committee are: Jack R. DeWitt, President of the State Bar of Wisconsin; Dean Robert Bock of the University of Wisconsin Business School; Professor Jane Hutchison, Depart-

ment of Art History; James Drummond and Jack Kaiser, law students; Law Professors Arlen Christenson, Peter Carstensen, June Weisberger and William Clune.

The Committee has met with the Law Faculty to solicit suggestions on the procedure to be used. Chancellor Young also met with the Committee and the Faculty to discuss the financial climate which the new Dean is likely to encounter.

Professor Gullickson reports that he perceives a more positive atmosphere surrounding the search this year than last. "The University of Wisconsin Law School is highly regarded, as indicated by the favorable reception which greeted the Committee as it searched for potential candidates."

\* \* \*

form and brought the case on to trial and was all ready for trial when the attorney on the other side jumped up and moved to dismiss the case on the ground of non-joinder of defendants. He said that I ought to have joined the woman with the man. (Laughter.) Well, it was a new idea that there was any such thing as a joint criminal offense, or non-joinder of that kind, and I assumed that the Judge would know how to decide it, and I told the court I did not wish to argue that proposition, that it was too absurd to admit of argument, and I would submit it without argument. Judge Knowlton seemed to consider it for a moment, and he said he thought the point well taken. (Laughter.)

He said adultery was an offense that could not be committed by a man without the co-operation of the woman (laughter); and he dismissed the case. (Great laughter.) Whether he did not know the law or consideration of the law had been drowned out by more liquid considerations I never knew. Well, that taught me a lesson which I never forgot. I thought after that no matter how plain a proposition of law was I would argue it before the court. I would not submit it without argument and authority, and I got along better after that (laughter). But gentlemen, I will not take up your time. (Cries of go on.)

Judge Bunn: I thank you most heartily, gentlemen, for this kind reception.



AFTER THE SWEARING-IN—THE SIGNING IN

# Dressy Men Wear the Roswelle

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### LIMELIGHT ON THE LAW SCHOOL.

For the past few years there has been a feeling among those familiar with the situation that the college of law was not progressing as rapidly as other departments of the university. During the last three years especially has this idea been spreading. Acute dissatisfaction on the part of the students was voiced by an article which appeared in the Alumni Magazine just after the last commencement, and which was written by one who had just completed his three years' course in the college of law. Whether or not the statements in that article were altogether justified by the facts, no one who is acquainted with the circumstances will deny that in the tone of the article was reflected more or less accurately the sentiment of students in that department, that they were not getting the sort of training which the prestige of the university and their expenditure of money and time and effort entitled them to expect.

In another article which appeared in the same magazine last December, Professor Howard L. Smith brought out very clearly the reason why the law school was not keeping up the pace set by other departments of the institution. The college of law has been run "as a self supporting side-show to a university," while in every other department the amount received in the way of fees from the students has represented but a fraction of the money expended. The average per capita expenditure upon students in the different colleges for the last academic years, is as follows:

Engineering . . . . .	\$117.90
Letters and science . . . . .	147.12
Agriculture . . . . .	214.25
Pharmacy . . . . .	243.09

Average . . . . . \$180.56

Contrast these figures with the average per capita expenditure upon law students, of less than \$50.00, and there is little cause to wonder why graduating classes in the law school are smaller, instead of larger, from year to year.

The recently published report of the board of visitors to the law school

shows that that body appreciates the predicament of the law school and the inevitable result of the continued discrimination against it, viz., that "the law school must, perforce, largely fail of its purpose and be a continual source of disappointment and humiliation to the bar of the state and to the university itself." To paraphrase the words of a lamented Wisconsin governor, the board "seen its duty and done it."

Long before the publication of this report the regents must have had brought to their knowledge the fact that affairs in the law school required their urgent attention. Undoubtedly they will within the next few months see the wisdom and the opportunity of taking some action which will obviate in the future any such arraignment of the present policy as is this report of a semi-official body.

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EDITORIAL ABOUT  
THE LAW  
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## LIBRARY DEVELOPMENTS

Every once in awhile, the Law School librarians, under the direction of Maurice Leon, issue a newsletter for the faculty and staff, outlining the most recent developments in the Law School Library.

The latest report, issued in December, 1975, included (among others) the following news items of interest to the alumni:

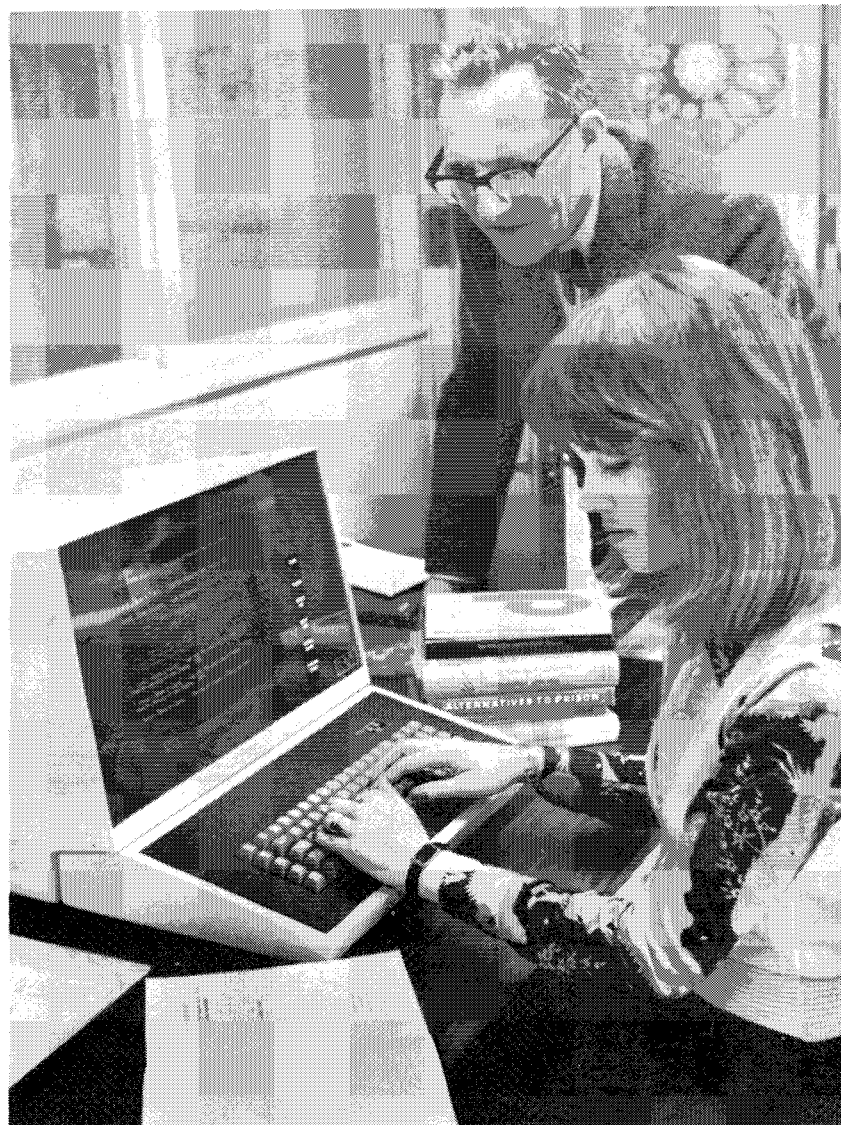
### AUTOMATED CATALOG CARD PRODUCTION

In January the Law Library became one of a group of several hundred academic, public and special libraries in a cooperative computer network headquartered in Columbus, Ohio and known as OCLC (Ohio College Library Center). The Law Library was able to come within the contract signed by OCLC with a consortium of UW System libraries, but the financing of this system of card production is entirely paid for by our Law Library budget.

### LAW LIBRARY ADDITION

The proposed addition to the Law Library has been funded by the state at \$671,000. This is down from the original sum of \$850,000 estimated by the campus Planning and Construction Department, and it will be up to the project's architect to determine whether the lower amount will be sufficient to build the addition within its defined program. Should it be decided that the new total is too low, it will be necessary to negotiate for additional funding or to cut back the proposal to meet the new limits.

An architect for the project will be named soon, and, if the building plans develop according to schedule, construction will begin next fall and finish in February 1978.



**Mary Schwartzbauer and Librarian Leon inspect the new Cathode Ray Terminal.**

Prominent among the improvements to the library in the proposal is increased space for student use. Not only added seating, but more carrels and small study rooms to be used by several students are envisioned by the planners. Cluster seating will be suggested to the architect to provide study space in the stacks.

Planned also is an enlarged reserve area in the library, along with a secured area for treatises and bound periodicals. A large microforms room will be provided close to those library personnel who can assist in its use. The New Reading Room will be remodeled

at the same time, and will be carpeted to reduce noise.

### CHANCELLOR ADDS SUPPLEMENTARY FUNDS TO LAW LIBRARY BUDGET

The Library received a most pleasant surprise this fall when the Chancellor added a considerable sum of money to our capital budget. This supplement ensures that we will be able to complete our fiscal year without accumulating a file of "Hold" orders as we did last year. It also enables us to improve services by getting some of the extras we had been holding on the back burner. Continued increases in costs, however, continue to pose problems.

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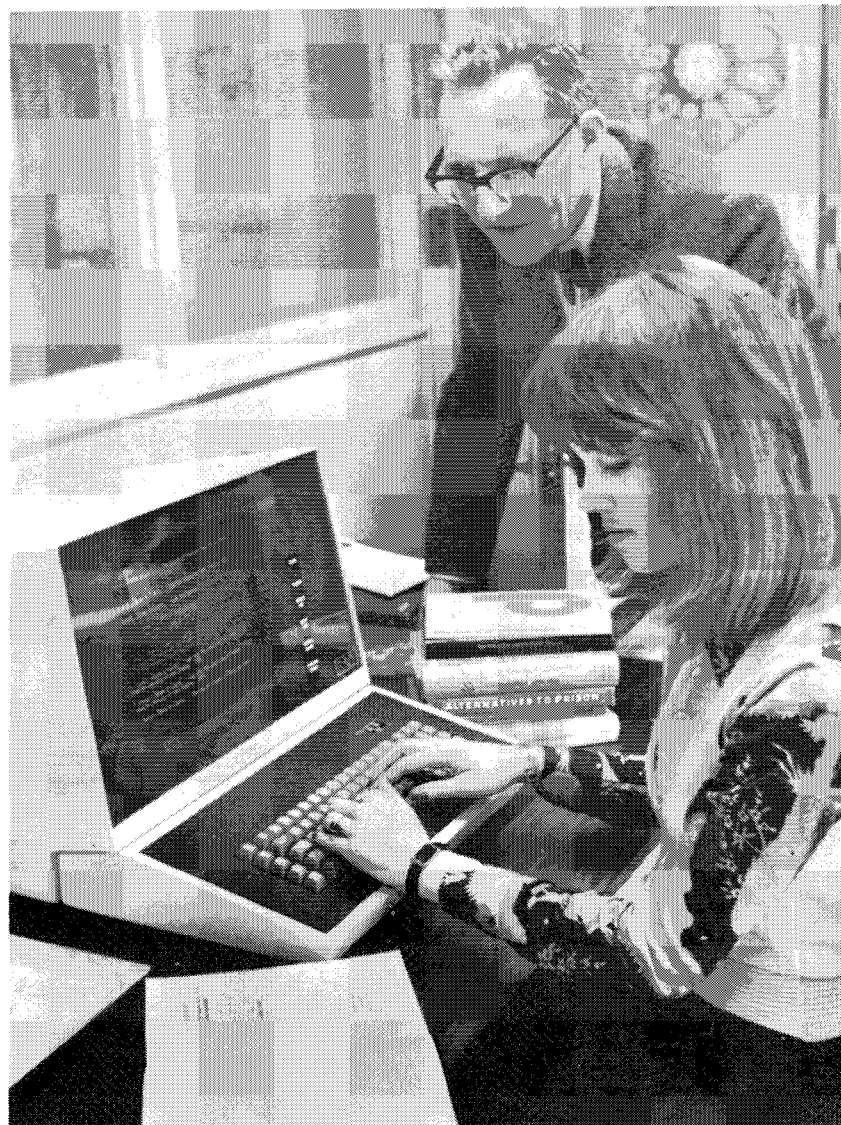
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## EDWARD J. REISNER JOINS THE LAW-SCHOOL STAFF

At the end of 1975, Mary Staley retired as Placement Director of the Law School, to the surprise of her many friends and associates. One measure of her success on the job is in the expression of dismay and disbelief from both the recruiters and the students who had used her services.

At the October meeting of the WLAA Board of Directors, William Lewis, who has been director of alumni affairs and director of the Fund Drive since 1974, announced his intention to resign before the end of the 1975-76 academic year.

Mr. Edward Reisner joined the Law School staff on February 1 to become Assistant Dean in charge of Placement and Alumni affairs. He has splendid qualifications for both of these responsibilities. Nancy Hubacher, who has been responsible for all alumni funds and involved in alumni activities, such as the Spring Program, will be a member of the staff.

\* \* \*

Mr. Reisner, in a sense, is coming home. He is a 1972 graduate of the Law School. His entire career has been in the service of the Bar. As a member of the staff of the State Bar of Wisconsin, he has, in his words, done "just about everything." He has edited pam-

phlets, planned and conducted advanced training seminars. He developed the new probate system, recently introduced by the State Bar. He has provided staff assistance to many of the Bar Committees. He has served as business manager.

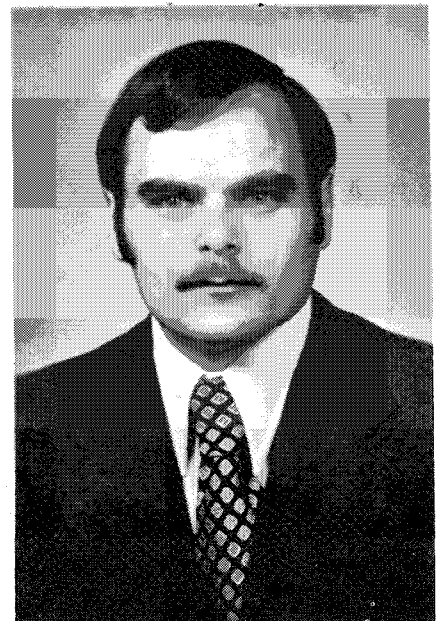
In the past year, Mr. Reisner has participated on behalf of the Bar in the establishment of the first program for Legal Assistants, being conducted at the Lakeshore Technical Institute at Sheboygan. It is a two-year program in which there are now 45 people enrolled. He serves on an Advisory Committee which meets monthly to review course materials, which are being developed to be usable elsewhere, in programs still to be established.

This development closely follows the American Bar Association's guidelines on the training of para-professionals in law, which require a two year program, with an approved curriculum which is offered under the supervision of members of the Bar. Eventually it is likely that this program and others like it will be accredited by the ABA, and its graduates certified as having met certain well-defined objectives.

In the last two years, Mr. Reisner's responsibility has included representing the Bar Association's interests in the many complicated issues involving the State Bar which are under consideration by the Legislature.

Mr. Reisner is a native of West Allis. He earned his B.A. degree in American Institutions on the Madison campus before he enrolled in the Law School.

\* \* \*



## WE KNOW WHERE

### YOU ARE!

The *Gargoyle's* occasional search for lost alumni often produces interesting information. For instance, our last list (volume 6, no. 1—Autumn, 1975) brought, among others, the following:

Mr. Edward Shenkenberg, Class of 1952, responded himself. Following law school, he informs us, he practiced law in New York. He has been associated with the Metropolitan Life Insurance Company as its farm mortgage attorney for more than 20 years. His office was moved in 1973 to Overland Park, Kansas.

We are informed by James P. Locke that Joseph Peal, Class of 1957, is the Ambassador of Liberia to the United States.

Mr. Evelyn G. Overgard, Class of 1938, is deceased as of 1970. He taught for many years in South Dakota, moving to Wonevok, Wisconsin when he retired.

Paul Weinke, 1967, is a practicing lawyer in Chicago. Mr. Charles S. Voight, Class of 1931, is reported to be living in Honolulu.

## FACULTY NOTES

*Professor Frank Remington* acted as Chairman of one of the six courses of study offered by the American Law Institute in cooperation with the ABA Committee on Continuing Professional Education (ALI-ABA) on December 2, 3, 4, at St. Thomas Island, in the U.S. Virgin Islands. The course examined the revised federal rules of criminal procedure, which were approved by Congress in the summer of 1975 effective in December, 1975.

Included among the faculty for the course were William Coffey, Milwaukee, a member of the Class of 1961, and Wayne LaFave, Professor of Law at the University of Illinois, Class of 1959.

Professor Remington is a member of the Standing Committee on the Rules of Practice and Procedure of the Judicial Conference of the United States.

*Professor George H. Young* has been appointed to the Grievance Committee for District 9 of the State Bar of Wisconsin.

\* \* \*

*Professor Richard Kabaker* participated in a Family Financial and Estate Planning Seminar sponsored by the University of Wisconsin Foundation on December 6, 1975. His subject was Legal and Tax Considerations, dealing with questions surrounding marital deductions, joint-tenancy, gift and death taxes, charitable giving, avoidance of probate and pooled income funds.

## Law Review

There are several articles in upcoming Wisconsin Law Reviews that may be of interest to readers of the *Gargoyle*. In Volume 1976, number 1, the effectiveness of Wisconsin's Blue Sky laws will be analyzed and there will be a discussion of recent trends of the Wisconsin Public Service Commission. In Volume 1976, number 2, the Wisconsin Judicial Commission and the recovery of damages for loss of companionship when a child is injured will be two of the subjects covered.